

## LAW OFFICES OF G. KEVIN FASIC

Attorney at Law

---

1225 King Street, Suite 200 • Legal Arts Building • Wilmington, DE 19801  
Telephone: (302) 654-4501 • Facsimile: (302) 654-4406 • E-Mail: k.fasic@lawgkf.com

**By Electronic Filing Only**

April 2, 2008

The Honorable Joseph J. Farnan  
United States District Court  
District of Delaware  
844 North King Street, Lock Box 27  
Wilmington, DE 19801

**RE: United States for Use and Benefit of MPI Mechanical, Inc. v. Westchester Fire Ins.  
Co., et al.**  
**Civil Action No. 07-00542 JJF**  
**Our File No. 1266**

Dear Judge Farnan:

I am entering my appearance in the referenced matter today on behalf of defendants Hirani Engineering & Land Surveying, P.C., and Westchester Fire Insurance Company, and accompanying this letter is the Proposed Rule 16 Scheduling Order.

On behalf of the parties I respectfully request that Your Honor refer this matter to the appropriate Magistrate Judge as quickly as possible. The parties have already met and resolved some portions of this dispute, and agree that the involvement of mediation at a very early stage may prove fruitful. To the extent we can schedule mediation on the Magistrate Judge's calendar prior to engaging in full discovery, and the attendant costs involved, the parties have some optimism that we can bring this matter to resolution.

Counsel are available if there are any questions, and we extend our thanks for Your Honor's consideration of this request.

Very truly yours,  
LAW OFFICES OF G. KEVIN FASIC

By: /s/ G. Kevin Fasic  
G. Kevin Fasic, Esquire (DE 3496)

GKF/jr

cc: Edward Seglias, Esquire (by e-filing)  
Herbert Feuerhake, Esquire (by facsimile)  
Robert Boote, Esquire (by facsimile)  
Hirani Engineering & Land Surveying, P.C. (by facsimile)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

---

UNITED STATES, for the use and benefit of, MPI MECHANICAL, INC., a corporation of the State of Delaware,	:	CIVIL ACTION
	:	
Plaintiff,	:	
v.	:	C.A. Number: 07-cv-00542 (JJF)
	:	
WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the State of New York,	:	
	:	
	:	JURY TRIAL DEMANDED
Defendant.	:	
	:	
	:	
MPI MECHANICAL, INC., a corporation of the State of Delaware,	:	
	:	
Plaintiff,	:	
v.	:	
	:	
MEHAR INVESTMENT GROUP, L.L.C., d/b/a, MIG ENVIRONMENTAL, a limited liability company of the State of Delaware,	:	
	:	
and	:	
	:	
HIRANI ENGINEERING AND LAND SURVEYING, P.C., a corporation of the State of New York,	:	
	:	
Defendants.	:	
	:	

---

**RULE 16 SCHEDULING ORDER**

The parties, having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures:** The parties will exchange, by April 15, 2008, the information required by Fed. R. Civ. Pro. 26(a)(1) and D. Del. LR 16.2.
2. **Joinder of other Parties:** All motions to join other parties shall be filed on or before May 15, 2008.
3. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge \_\_\_\_\_ for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact Magistrate \_\_\_\_\_ to schedule a settlement conference, so as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. **Discovery.**

- (a) Exchange and completion of interrogatories, identification of all fact witnesses and document production, shall be commenced so as to be completed by June 2, 2008.
- (b) Maximum of 25 interrogatories by each party to any other party.
- (c) Maximum of 25 requests for admission by each party to any other party.
- (d) Maximum of 10 depositions by plaintiff(s) and 10 by defendants.

Depositions shall not commence until the discovery required by Paragraph 4 (a, b, and c) are completed. Non-expert depositions should be concluded by October 17, 2008.

- (e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the Plaintiff by November 21, 2008, and from the Defendants by January 23, 2009.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

**5. Non-Case Dispositive Motions**

(a) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant seeks to have the motion heard. The hearing date selected shall allow time for filing of the motion, allow for briefing in accordance with the Federal and Local Rules, and shall permit all briefing to be filed no later than 12:00 noon the Friday before the motion date on which it is to be heard. Available motion dates will be posted on the Court's website at:  
<http://www.ded.uscourts.gov/JJFmain.htm>.

(b) At the motion hearing, each side will be allocated ten (10) minutes to argue and respond to questions from the Court.

(c) Upon filing of the Notice of Motion, a copy of said Notice shall be sent to Chambers by e-mail at: [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov).

**6. Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before October 17, 2008.

**7. Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before March 13, 2009. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

**8. Applications by Motion.**

(a) Amy applications to the Court shall be by written motion filed with the Clerk of Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective June 30, 2007). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's February 1, 2008 Order on Procedures for filing non-dispositive motions in non-patent cases (pro se cases excluded). Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.  
(c) No telephone calls shall be made to Chambers.  
(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf\_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

**9. Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered, or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for trial to be held within sixty to ninety days of the Pretrial Conference.

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

---

\_\_\_\_\_, United States District Judge